

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

#### Notification

LD/2407/72

The Constitution Amendment (Bill) 1971, introduced in Lok Sabha on 28th May, 1971 is hereby published for general information of the public.

Notice is hereby given that any person or public body desiring to submit any suggestion should send the same to the Under Secretary (Law), Law and Judiciary Department, Government of Goa, Daman and Diu, within a period of 30 days.

M. S. Borkar, Under Secretary.

Panaji, 5th July, 1972.

#### Bill No. 45 of 1971

#### THE CONSTITUTION (AMENDMENT) BILL, 1971

By

Shri S. C. Samanta, M. P.

(As Introduced in Lok Sabha on 28th May, 1971)

#### A BILL

*further to amend the Constitution of India*

Be it enacted by Parliament in the Twenty-second year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 1971.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of the Seventh Schedule.**—In the Seventh Schedule to the Constitution:—

(i) in List II—State List, entry 11 shall be omitted;

(ii) in List III—Concurrent List, after entry 25, the following new entry shall be inserted, namely:—

“25A. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I”.

#### STATEMENT OF OBJECTS AND REASONS

The task of re-constructing the educational system and to foster its creative development is a task of supreme national importance. Educational integration is a primary pre-requisite of national integration. The objective of educational integration would remain a far cry unless the Union jurisdiction is extended to cover the field of education concurrently with the States.

Hence this Bill.

New Delhi;

S. C. SAMANTA.

The 29th March, 1971.

#### ANNEXURE

Extract from the Constitution of India

#### SEVENTH SCHEDULE

[Article 246]

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List II—State List

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11. Education including universities, subject to the provisions of entries 63, 64, 65 and 66 of List I and entry 25 of List III.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/A/7/1034/72

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu, on 5th July, 1972, is hereby published for general information in pursuance of the provisions of Rule 127 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

The Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) (First Amendment) Bill, 1972

(Bill No. 5 of 1972)

A BILL

*to amend the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-third Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) (First Amendment) Act, 1972.

(2) It shall be deemed to have come into force on 2nd October, 1971.

2. **Amendment of section 1.**—In sub-section (4) of section 1 of the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971 (hereinafter referred to as the "principal Act")—

i) the comma occurring after the words and figures "General Clauses Act, 1897" and

ii) the comma occurring after the words and figure "Goa, Daman and Diu General Clauses Act, 1965"

shall be deleted.

3. **Amendment of section 2.**—In clause (d) of section 2 of the principal Act, the semi-colon occurring after the words and figure "Goa, Daman and Diu Mamlatdar's Court Act, 1966" shall be deleted.

4. **Amendment of section 12.**—In section 12 of the principal Act, the words "every memorandum of an appeal or" shall be deleted.

5. **Amendment of section 14.**—In sub-section (2) of section 14 of the principal Act, for the word "rules" the word "rule" shall be substituted.

Objects and reasons

While communicating the Assent of the President to the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Bill, 1971, Ministry of Home Affairs, New Delhi have pointed out certain typographical mistakes in the Bill. The Government of India has also proposed deletion of the words "every memorandum of an appeal or" in Section 12 of the Bill, as the Bill does not contain any provision for an appeal and directed this Government to correct them by an amending and repealing Act. The object of the Bill is, therefore, to correct those mistakes.

Panaji,  
26th June, 1972.

PRATAPSING RANE  
Minister (Revenue)

Assembly Hall,  
Panaji,  
5th July, 1972.

B. M. MASURKAR  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu

LA/A/7/1035/72

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu, on 4th July, 1972, is hereby published for general information in pursuance of the provisions of Rule 127 of the Rules of Procedure and Conduct of Business of Legislative Assembly.

The Goa, Daman and Diu Sales Tax (Validation) Bill, 1972

(Bill No. 6 of 1972)

A  
BILL

*to regularise the levy, at a reduced rate, of sales-tax on sales of mineral ore by validating the Government notification in that behalf.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the twenty-third Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Sales-Tax (Validation) Act, 1972.

2. **Validation of Government notification in respect of sales-tax on sales of mineral ore.**—Notwithstanding anything contained in section 7 of the Goa, Daman and Diu (Sales-Tax) Act, 1964 (G.D.D. 4 of 1964) the Notification No. Fin (Rev)/2-36/Part/1968/68, dated the 18th September, 1968, purporting to have been issued under sub-section (1) of that section, by order and in the name of the Administrator of Goa, Daman and Diu, shall be and shall be deemed always to have been as valid and effective as if the said sub-section (1) contained at all relevant times a provision empowering the issue of such notification with retrospective effect and accordingly the tax in respect of sales of mineral ore made to any dealer during the period commencing on the 1st day of November, 1964 and ending on the 30th day of April, 1968 (both days inclusive) shall be levied, and shall be deemed always to have been leviable, under the said Act at the rate of one paisa for every ten rupees or fraction thereof.

Statement of Objects and Reasons

Government had issued a Notification No. Fin (Rev)/2-36/Part/1968/68 dated 18th September, 1968 by which the sales of mineral ore by any person within the Territory of Goa, Daman and Diu was reduced to 1/10% during the period November, 1964 to April, 1968. The said Notification was however made effective retrospectively from the date of enforcement of the Act i. e. 1-11-1964 as it was felt that the same was not likely to be challenged. The Notification was issued in consequence of Audit Objection raised by the Revenue Audit Party in their Audit note for the year 1968-69. The said Notification was issued with the concurrence of Law Department to enlarge the scope of previous Notification No. F.D./F. III/2-36/Part/4888/66 dated 13th September, 1966 which was restricted in respect of sales to unregistered dealers only and sales to other registered dealers were inadvertently left out of the scope of the Notification. The Public Accounts Committee has pointed out that Government cannot issue an order with retrospective effect unless that power was expressly conferred on them by the statute. The

Public Accounts Committee has recommended to regularise the same by necessary legislation. The proposed bill is therefore brought out to empower the Government to issue any Notification reducing the rates of tax on any class or classes of goods with retrospective effect.

#### Financial Memorandum

There will be no financial commitment on account of the proposed bill since the mineral ore is exempted from tax with effect from 1-5-1968 and all the past cases have already been finalised.

Panaji,  
27th June, 1972.

D. B. BANDODKAR  
Chief Minister

Assembly Hall,  
Panaji,  
4th July, 1972.

B. M. MASURKAR  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu.

#### Development Department 'A'

#### Corrigendum

CDB/COOP/360/70-71/72

Read: — Government Notification No. CDB/  
/Coop/360/70-71/72 dated 14-6-1972.

1. In para 2 of the Government Notification, after the words "hereby makes" delete the words "as follows the 3rd" and instead, read "the following" ...

2. In sub-section (1) of Section 1, delete "(3rd Amendment)" and instead, read "(First Amendment)" ...

By order and in the name of the Administrator  
of Goa, Daman and Diu.

Abel do Rosario, Under Secretary (Development).  
Panaji, 3rd July, 1972.

#### Labour and Information Department

#### Mormugao Port Trust

#### Notification

MPT/IGA(77)/72

As required under Section 124(1) of the Major Port Trusts Act, 1963, it is hereby notified that the Central Government vide Ministry of Shipping and Transport's letter No. 7-PE(20)/72 dated the 26th May, 1972, have accorded approval to the amendment to the Mormugao Port Employees' (Leave) Regulations, 1964 published in the Official Gazette Nos. 29 and 30 Series I dated the 14th and the 21st October, 1971 respectively.

By Order,

Shivakumar Dhindaw  
Secretary

Mormugao, 9th June, 1972.